

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

Ticket Center, Inc., et al.  
Plaintiffs,

v.

Banco Popular de Puerto Rico, et al.  
Defendants.

Civil No. 04-2062 (JAG/GAG)

**OPINION AND ORDER**

**Re: Docket No. 85 – Motion to Reconsider**

This matter is before the court on defendants', Banco Popular de Puerto Rico d/b/a Banco Popular, and Popular, Inc., motion for reconsideration. See Docket No. 85. Defendants ask the court to reconsider its previous ruling denying defendants' motion to dismiss. See Docket No. 82. Defendants argue that the exhibits attached to the original sealed motion to dismiss fall within the exception to the rule prohibiting the court from reviewing documents attached to a motion to dismiss without converting it into a motion for summary judgment. Specifically, defendants argue that the exhibits are official public records because they have been produced by the plaintiffs in parallel state court action.

Given this new information, the court **GRANTS** defendants' motion to reconsider and sets aside its previous order denying the motion to dismiss. The court will consider the sealed motion with attached exhibits as a motion to dismiss and will not convert it into one for summary judgment. Defendants must provide a copy of the motion with attachments to plaintiffs. The documents attached to the motion must not be disclosed to any third parties. Plaintiffs have until Tuesday, May 9, 2006 to respond to defendants' motion to dismiss pursuant to the Parker Doctrine. (Docket No. 71.)

**SO ORDERED.**

Date: April 28, 2006

*/s/ Gustavo A. Gelpi*  
GUSTAVO A. GELPI  
United States Magistrate Judge